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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,341	12/15/2000	James C. Colson	157-956	9182

35236 7590 03/01/2004

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 03/01/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/737,341

Applicant(s)

COLSON ET AL.

Examiner

CamLinh Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki Abe (U.S. 6,345,308).

♦ As per claim 1, 7, 14,

Masaki Abe (U.S. 6,345,308) discloses a method for implicit prioritization of synchronizable data, including:

- “ In response to a sync session request from a client device, reading a selected prioritization schema associated with a user initiating the sync session request”

- A sync session request corresponds to the request that the Network computer send to the server to execute the synchronization process (see Fig. 7, col. 11, lines 46 - 49)
 - The “prioritization schema” corresponds to the “synchronization list” (see Fig. 7, element 70 (s). The “synchronization list” includes the priority for each resource (see Fig. 8, col. 11, lines 60 – 65).
- “Retrieving schema effecting data necessary in effecting the selected prioritization schema” As shown in Fig. 7, ST3 – 4, the Sync. List of the server and the resources in network computer have been modified. When the synchronization process starts, both lists are compared with each other (col. 11, lines 39 – 42). Depending on the priority, the data is downloaded or uploaded to each other (col. 12, lines 1 – 9). Abe does not clearly disclose that the schema effecting data is retrieved. However, as discussed above, it is clear that the claimed provision is inherited. Nonetheless, to expedite the prosecution, even if the limitation of the above were not inherited, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include such a step in order to execute the synchronization process.
- “Producing a prioritized data set based on the selected prioritization schema” col. 12, lines 1 – 9)
- ♦ As per claim 2, 8, 15, Abe discloses:

- "Enabling a user to choose the selected prioritization schema from the plurality of available prioritization schemas". See Fig. 7 – 8, col. 11, lines 23 – col. 12, lines 20.

◆ As per claim 3, 16, Abe discloses:

- "Enabling the user to choose an additional selected prioritization scheme". Again, there are plurality of resources in the server and NC; therefore, the user can also choose additional scheme such as specifies additional resources to synchronize.

◆ As per claim 4, 9, 17, Abe discloses:

When a user specifies which table in the NC that needs to update as listed in NC, it corresponds to "a particular prioritization formula" that the system needs to retrieve for synchronization process (See Fig. 9, ST3 - 4).

◆ As per claim 5 – 6, 10 – 11, 18 – 20, Abe discloses:

Fig. 7, 9 – 11 teach about the determining the request characteristics. When the system starts the synchronization process, it must check for identification for the requesting user, the client device type (Network computer or server side). From these characteristics, the database will retrieve the co response table or parameters from the storage.

◆ As per claim 12 – 13, Abe discloses:

The data that specifies the structure table or prioritization schemes in the database is corresponding to the metadata. The table stored in the resource name is corresponding to "the objective data" to which the client device is to be synchronized.

◆ As per claim 21 – 22, Abe discloses:

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- "A prioritization scheme storage" corresponds to the "database" in Fig. 1 element 21.
- Fig. 1 is a system comprises a data processing device, and it clearly operating under the control or operational software

Response to Arguments

1. In view of the Appeal Brief filed on 01/24/2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Souder et al (U.S. 5,937,414) discloses a method for providing database system replication in a mixed propagation environment.

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- Hiroshi Yamamoto (U.S. 2003/0097370) discloses a database load distribution processing method and recording medium storing a database load distribution-processing program.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is 305-1951. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cam-Linh Nguyen

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WAYNE AMSBURY
PRIMARY PATENT EXAMINER